

HOUSE BILL 1372
By Sharp

AN ACT to amend Tennessee Code Annotated, Section 8-36-821, and Chapter 903 of the Public Acts of 2000, relative to the reemployment of retired members of the Tennessee consolidated retirement system as teachers.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 8-36-821, is amended by deleting the section in its entirety and by substituting instead the following:

(a) Notwithstanding any provision of law to the contrary, prior to July 1, 2003, any person retired for at least one (1) year from the Tennessee consolidated retirement system, from any superseded system administered by the state, or from any local retirement fund pursuant to chapter 35, part 3 of this title may accept employment as a kindergarten through twelfth grade teacher without loss or suspension of retirement benefits under the following conditions:

(1) The retired member holds any teacher's professional license or certificate as may be required in title 49, chapter 5;

(2) The superintendent or director of schools of the employing school system certifies in writing to the division of retirement and to the commissioner of education that the retired member has the requisite experience, training, and

expertise for the position to be filled and that no other qualified persons are available to fill the position;

(3) The commissioner certifies in writing to the division that the employing school system serves an area that lacks qualified teachers to serve in the position to be filled;

(4) The retired member shall not be entitled to tenure status as provided in title 49, chapter 5, part 5;

(5) Such retired member shall not be eligible to accrue additional retirement benefits, accrue leave, or receive medical insurance coverage as a result of such employment;

(6) The retired member shall not receive automatic credit for years of experience in determining compensation. Provided, the salary paid to such retired member for performing the teaching services shall not be less than the rate of compensation set by the school system for teachers with no experience filling similar positions, nor shall such salary exceed eighty-five percent (85%) of the rate of compensation set by the school system for teachers with comparable training and years of experience filling similar positions. Once such compensation is set, the retired member shall not be entitled to supplements paid under the career ladder program; and

(7) The retired member's appointment to serve as a teacher cannot exceed one (1) year. The retired member may be reappointed to additional one-year periods, provided the conditions contained in this section are met for each such reappointment, including the certifications required in subdivisions (a)(2) and (3).

(b) From July 1, 2003, until June 30, 2008, any person retired for at least sixty (60) days from the Tennessee consolidated retirement system, from any

superseded system administered by the state, or from any local retirement fund pursuant to chapter 35, part 3 of this title may accept employment as a kindergarten through twelfth grade teacher and during the period of such employment, receive a retirement benefit equal to twenty-five percent (25%) of the retirement benefit to which such teacher would otherwise be entitled under the following conditions:

(1) The retired member holds any teacher's professional license or certificate as may be required in title 49, chapter 5;

(2) The superintendent or director of schools of the employing school system certifies in writing to the division of retirement and to the commissioner of education that the retired member has the requisite experience, training, and expertise for the position to be filled and that no other qualified persons are available to fill the position;

(3) The commissioner certifies in writing to the division that the employing school system serves an area that lacks qualified teachers to serve in the position to be filled;

(4) The retired member shall not be entitled to tenure status as provided in title 49, chapter 5, part 5;

(5) Such retired member shall not be eligible to accrue additional retirement benefits, accrue leave, or receive medical insurance coverage as a result of such employment;

(6) The retired member shall not receive automatic credit for years of experience in determining compensation. Provided, the salary paid to such retired member for performing the teaching services shall not be less than the rate of compensation set by the school system for teachers with no experience filling similar positions, nor shall such salary exceed

eighty-five percent (85%) of the rate of compensation set by the school system for teachers with comparable training and years of experience filling similar positions. Once such compensation is set, the retired member shall not be entitled to supplements paid under the career ladder program;

(7) The retired member's appointment to serve as a teacher cannot exceed one (1) year. The retired member may be reappointed to additional one-year periods, provided the conditions contained in this section are met for each such reappointment, including the certifications required in subdivisions (a)(2) and (3); and

(8) After July 1, 2008, the retired member shall receive a retirement benefit equal to the full retirement benefit to which such teacher would have been entitled at the time such teacher retired. In addition, the retirement benefit of such teacher shall be increased in an amount equal to the seventy-five percent (75%) of such benefit which was not paid during the time of reemployment as provided in this subdivision, as appropriately amortized.

(c) Notwithstanding any provision of law to the contrary, after June 30, 2008, any person retired for at least sixty (60) days from the Tennessee consolidated retirement system, from any superseded system administered by the state, or from any local retirement fund pursuant to chapter 35, part 3 of this title may accept employment as a kindergarten through twelfth grade teacher without loss or suspension of retirement benefits under the following conditions:

(1) The retired member holds any teacher's professional license or certificate as may be required in title 49, chapter 5;

(2) The superintendent or director of schools of the employing school system certifies in writing to the division of retirement and to the commissioner of education that the retired member has the requisite experience, training, and expertise for the position to be filled and that no other qualified persons are available to fill the position;

(3) The commissioner certifies in writing to the division that the employing school system serves an area that lacks qualified teachers to serve in the position to be filled;

(4) The retired member shall not be entitled to tenure status as provided in title 49, chapter 5, part 5;

(5) Such retired member shall not be eligible to accrue additional retirement benefits, accrue leave, or receive medical insurance coverage as a result of such employment;

(6) The retired member shall not receive automatic credit for years of experience in determining compensation. Provided, the salary paid to such retired member for performing the teaching services shall not be less than the rate of compensation set by the school system for teachers with no experience filling similar positions, nor shall such salary exceed eighty-five percent (85%) of the rate of compensation set by the school system for teachers with comparable training and years of experience filling similar positions. Once such compensation is set, the retired member shall not be entitled to supplements paid under the career ladder program; and

(7) The retired member's appointment to serve as a teacher cannot exceed one (1) year. The retired member may be reappointed to additional one-year periods, provided the conditions contained in this

section are met for each such reappointment, including the certifications required in subdivisions (a)(2) and (3).

(d) The provisions of this section shall not be construed to prohibit any retired member or prior class member of the Tennessee consolidated retirement system, or any retiree of a local retirement fund receiving benefits in accordance with chapter 35, part 3 of this title from returning to service temporarily in a position covered by the Tennessee consolidated retirement system pursuant to § 8-36-805.

SECTION 3. Section 6 of Chapter 903 of the Public Acts of 2000 is amended by deleting the first sentence of such section in its entirety.

SECTION 4. This act shall take effect July 1, 2003, the public welfare requiring it.